

REMARKS

In response to the Office Action dated August 15, 2000 and in conjunction with Appellants' Brief On Appeal filed herewith, Applicant hereby files a second Amendment under 37 C.F.R. §1.116 which is substantially identical to an after Final Amendment under §1.116 filed on October 16, 2000. Even though the Amendment narrowed the issues on Appeal by only canceling dependent claims 7 and 15 and incorporating them verbatim into their respective independent claims, entry was denied as indicated by the Advisory Action mailed November 3, 2000. A Notice of Appeal was timely filed on December 15, 2000, along with a Petition and fee for a One-month Extension of Time.

It is noted that upon receipt of the Advisory Action, the undersigned conducted a teleconference with Examiner Backer on November 21, 2000 and requested reconsideration and entry of the Amendment. The undersigned referred the Examiner to M.P.E.P. § 706.07 and also requested he consult with his supervisor. Entry was still denied by the Examiner even though no new issues were raised and the Amendment indeed (and in fact) narrowed the issues on appeal.

Claims 1-6, 8-14, and 16-20 are all the claims presently pending in the application. Claims 7 and 15 have been canceled and their limitations added to independent claims 1 and 14, respectively.

Entry of this §1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features were in the claims earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and is earnestly solicited.

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Melchione et al. (U.S. Patent No. 5,930,764) (hereinafter "Melchione").

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed by independent claim 1, is directed to

a computerized integrated prospect (e.g., lead) selection and management system for providing controlled access to multiple sales agents. The invention was discussed in detail in the June 7, 2000 Amendment incorporated herein by reference. For convenience, the Examiner is referred thereto.

Briefly, a feature of the present invention as claimed in independent claims 1 and 14, lies in provision of a system that provides leads based upon selected criteria to individual sales agents. Further, the selected criteria is selectively entered by an individual sales agent who is following up on the lead. The lead management capability supplies a best match output of the customer profile.

An exemplary configuration of the integrated prospect selection and management system is shown in Figure 1 of the application.

With such a feature, a quota mechanism can be enforced and the efficient use of leads by sales agents is encouraged. Further, the leads are provided on an exclusive basis to prevent multiple sales agents from pursuing the same lead at the same time. Thus, an agent can be prevented from consuming an extraordinary number of good leads and data can be collected on the effectiveness of the leads pursued to further enhance the quality of the prospect information.

The conventional systems, such as those discussed below and in the Related Art section of the present application, do not have such a structure, and fail to provide for such an operation (e.g., see page 7, lines 17-26, page 8, lines 1-26, page 11, lines 1-27, and page 12, lines 1-8 of the present application).

Such features are not taught by the cited reference.

II. THE PRIOR ART REJECTION

A. The Melchione Reference

The Examiner asserts that:

[As per claims 1, 4-6, 14] Melchionne (sic) et al teach a system comprising a central processing unit (CPU) (central micromarketing system) an input user interface module

(workstation) with means (keyboard) for inputting lead management data (marketing information), means for inputting lead selection (marketing information selection) parameters for operation upon by the CPU (see abstract, fig 1, 2, 5a-5h, column 8 line 59-9 line 12) a plurality (sic) functional modules (functional workstations) (see fig 1, 2, column 15 lines 1-10) wherein a functional module comprises a system security capability (security system) (see column 16 line 65-17 line 17, column 27 line 49-61), a functional module comprises a lead management capability (marketing information selection) (see section on lead management system (column 37 lines 65-column 40 line 58) and a functional module comprises a lead selection capability (marketing selection) (see column 30 lines 36-39 and section on selection list or paths (column 30 line 67-column 33 line 29)).

Melchionne et al further teach a CPU responding to input user (user such as bankers or agent, customer representative, or account representative) requests by generating information on candidate leads (customer marketing information) and signification of a request and means (monitor, fax, printer) connected to the CPU for outputting the information (see abstract, column 33 line 39-59, 34 lines 3-7, 35, lines 13-45, and claim 5).

However, Applicant respectfully disagrees. Specifically, Melchione does not teach or suggest the inventive computerized integrated prospect selection and management system of the present invention.

The present invention differs fundamentally from Melchione. The system as disclosed and claimed is aimed at supporting sales agents (independent or otherwise) and to provide leads as needed. That is, when an agent decides to look for new customers, the agent can access the system and request leads that best fit what he wants. The system allows the sales agents to selectively input their individual preferences for the traits to be included in the sales leads they require for the type of products they intend to sell.

The claimed system will supply the leads which best match the profile input by the sales agents. The system delivers the leads to the user (e.g., a sales agent) per user request. A function of the lead management is to enforce a quota mechanism in order to encourage the efficient use of leads by the sales agents, and an exclusivity rule to prevent leads being

pursued by multiple agents at the same time.

In contrast, Melchione teaches a system whereby a branch office (not the individual sales agent) decides on a sales campaign and coordinates with a regional micromarketing center to decide what leads the marketing personnel should get, and distributes such leads to them. In order to do so, the micromarketing center (not the individual sales agents!) works with branch managers to determine the profile of households most likely to purchase the products, and constructs specific queries to search and retrieve the records meeting such profile from the database. The resulting leads are sent to branch managers. Then, the branch managers “assign the leads to the personal bankers most qualified to handle the leads, or based on the workload and availability of the personal bankers” (e.g., see Melchione, column 9, lines 45-51).

Thus, in Melchione, individual sales agents are not entering their own criteria to select leads. Instead, such is performed by a removed, remote third party.

Further, in the lead management system of Melchione, after capturing information used to distribute leads, “[t]he leads are then distributed to personal bankers based on preset priorities” (e.g., see Melchione, column 39, lines 17-18). Thus, Melchione clearly does not teach or suggest individual sales agents selectively entering their own criteria to select leads.

Therefore, the teaching of Melchione is fundamentally different in the lead selection mechanism, the lead management mechanism, and how the leads are delivered to the sales agents. In Melchione, the lead selection process is driven by branch management, not the individual sales agent though a selective entering thereby.

Further, there is no teaching or suggestion of the lead management capability supplying a best match output of the customer profile.

In addition, the claimed system is designed to be a learning system. As the sales agents provide feedback on the leads that they have already used, the system refines the scoring mechanisms to improve the quality of leads they get in the future. Such features and capabilities are not taught or suggested by Melchione.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of “[a] system comprising:

a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one of said module comprising means for inputting lead management data for operation upon by the CPU, and means for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least one of the first, second, and third functional modules for generating information comprising at least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface,

wherein an input customer profile is selectively entered by an individual sales agent, and

wherein said lead management capability supplies a best match output of said customer profile" (emphasis Applicant's).

Moreover, Applicant again notes that, inter alia, the lead management data input means, lead selection parameter means, CPU means, and outputting means of independent claim 1 were purposely drafted to incorporate "means-plus-function" terminology. The Federal Circuit has made it clear that paragraph 6 of 35 U.S.C. § 112 is to be interpreted literally to limit means-plus-function language to encompass structure disclosed in the specification and structural equivalents thereof. See, e.g., In re Donaldson Company, Inc., 29 U.S.P.Q. 2d 1845, (Fed. Cir. 1994) which prompted the PTO guidelines dated April 20, 1994 (1162 O.G. 59, published May 17, 1994) and most recently guidelines dated July 30, 1999 and published in the Federal Register.

For the reasons stated above, the claimed invention is fully patentable over the cited references.

Further, the other prior art of record has been reviewed, but it too, even in combination with Melchione, fails to teach or suggest the claimed invention.

III. FORMAL MATTERS AND CONCLUSION

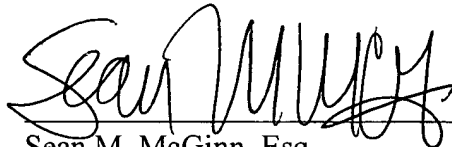
In view of the foregoing, Applicant submits that claims 1-6, 8-14, and 16-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 2/15/01



Sean M. McGinn, Esq.

Reg. No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Rd. Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254